



HUB International Midwest

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December 7, 2010

COMPLAINT

EXHIBIT E

J. Robert McMahon
Assistant Vice President
XL Insurance

Re: Insured: City of Holland Board of Public Works
Claimant: Sierra Club
Issuing Company: Indian Harbor Insurance Company
Policy No.: PEC000396608
Your File No.: 09103186

Dear Mr. McMahon,

As you are aware, Hub International is the agency assisting the City of Holland with their insurance program and we received a copy of your February 11, 2009 and November 20, 2009 letters denying coverage for this loss.

Based on our review of the policy, coverage is triggered for the following reason. Not only does the complaint seek civil penalties, declaratory and injunctive relief, it also seeks associated costs and fees which triggers coverage on the policy. Sierra Club's costs and fees are compensatory damages, a loss as defined in the policy. The emitting of carbon dioxide, nitrogen oxides, sulfur oxides, carbon monoxide, and mercury into the atmosphere meet POLLUTION CONDITIONS as defined. The filed Complaint is an assertion of a legal right alleging responsibility on the Insured arising out of pollution conditions meeting the CLAIM definition.

Due to the facts above, we disagree with the coverage denial, ask coverage be reviewed again and a written determination be provided no later than **December 15, 2010**.

Thank you in advance for your attention in this matter and we look forward to receiving a more favorable outcome.

Sincerely,

A handwritten signature in blue ink that reads "Hope Bush".

Hope Bush
Claims Consultant